



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: SPK-2007-327-SG

Date: January 28, 2008

Comments Due: February 28, 2008

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Lincoln County Coyote Springs Development Project, which would result in impacts to approximately 33.3 acres of waters of the United States (unnamed ephemeral washes, without adjacent wetlands) that are tributaries of Pahrnagat Wash, a tributary of the Muddy River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Coyote Springs Investment, LLC  
Mr. Tim Echeverria, President, Construction Division

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**LOCATION:** The applicant's Individual Permit application addresses 32,333 acres of lands within portions of Townships 11 and 12 South, and primarily Range 63 East (Mount Diablo Base and Meridian [MDBM]); and a small part of the BLM Utility Corridor is in Townships 11 and 12 South, Range 62 East. Specific sections, some or all of which, are the subject of this application are as follows: Sections 13 and 19 – 36, T 11 S, R 63 E; Sections 1 – 36, T 12 S, R 63 E; Sections 24, 25, and 36, T 11 S, R 62 E; and Section 36, T 12 S, R 64 E. The property is bordered by the Delamar Mountains to the north, the Meadow Valley Mountains to the east, and U.S. Highway 93 to the west (although the BLM Utility Corridor is along the west side of Highway 93). The southern boundary is the Lincoln County-Clark County line, where the property is adjacent to the CSI master planned development in Clark County.

**PROJECT DESCRIPTION:** The applicant proposes to directly impact 33.3 acres of dry washes with the discharge of dredged and fill material to construct drainage alterations and improvements to meet local flood control standards and to facilitate the Coyote Springs Development Project which includes residential, commercial, institutional, and recreational components in Lincoln County. The applicant's overall project purpose is to develop a new town in Lincoln County comprising a planned community (residential housing; mixed-use urban villages; public buildings, and other public facilities' commercial and light industrial development; and hotels, resorts, and casinos) within a one hour drive from the Las Vegas area and within the State of Nevada utilizing available or existing on-site water rights or water

rights from the region. Approximately 140 unnamed dry washes would be graded, diverted, captured and directed into new larger dry washes, however, impacts to the Pahranaagat and Kane Springs Washes would be avoided. There would be no fill placed within the WOUS known as the Pahranaagat Wash (active channel), only bridge over crossings. Piers would be used to support elevated roadways within the 100 year flood plain in order to accommodate flows during extreme events, but these would be outside the WOUS portion of the Pahranaagat Wash floodplain. As planned, a total of 28.2 acres of dry washes would be directly impacted within the 21,454 acre Project Development Area and 5.1 acres of dry washes would be permanently impacted within a 3,331 acre BLM Utility Corridor. As proposed a total of 16.43 acres of ephemeral washes would be permanently filled for development purposes, 5.10 acres of ephemeral washes would be permanently filled for the construction of up to detention basins within the BLM corridor West of State Highway 93, 0.50 acres would be temporarily impacted to replace culverts with open bottoms as on-site mitigation, 0.75 acres would be temporarily impacted to replace culverts with larger culverts along Highway 93, 2.70 acres would be temporarily impacted to restore ephemeral wash habitat, 1.50 acres would be temporarily impacted to widen existing ephemeral washes, and 1.22 acres would be permanently impacted for the purposes of constructing a retention basin to attenuate flows before they enter Pahranaagat Wash.

Existing dry washes on the property currently do not have the capacity to convey floodwaters through the project area in compliance with Lincoln County flood control requirements in light of the proposed development. The existing washes would be altered through grading and filling with about 55,225 cubic yards of on-site native soils. The newly created, but smaller number of larger dry washes would be clear spanned where road crossings are determined to be necessary. Utility lines would likely be buried beneath the washes. As proposed, the new washes would contain natural vegetation and would be protected with a minimum buffer of 25 feet along each side of the open channels.

The applicant describes the purpose as developing a new town in Lincoln County within approximately a one hour drive from the Las Vegas area and within the State of Nevada utilizing available or existing on-site water rights or water rights from the region. Of the approximately 29,002 total acres within the Project Area, 21,454 acres are planned for residential, commercial and recreational development within what is designated as the "Development Area." Proposed project development would be phased over a period of approximately 40 years. Anticipated development is estimated at 6,000 acres in Phase 1 (years 2 – 9), 6,000 acres in Phase 2 (years 10 – 18), 6,000 acres in Phase 3 (years 19 – 27), and 3,500 acres in Phase 4 (years 27 – 40).

Of the approximate total 29,002 acres within the project area, 21,454 acres are planned for a new town development. The applicant expects that it would take about 5 years to reach 9,216 residential units. At the 10-year mark, there may be approximately 42,972 residential units and 65,625 residential units by year 15.

Approximately 7,548 acres would be designated as a resource management area in Lincoln County, subject to BLM approval. This acreage is being provided as a mitigation requirement by the USFWS for habitat impacts. CSI has designated 6,219 acres of contiguous lands in Clark County (CSI Lease Lands) as part of the conditions of Corps Permit authorization Number 200125042 for their new town development project. This would result in a total of 13,767 acres that would be set aside to preserve natural resources. The BLM leased land is intended to be managed in accordance with the Land Lease Agreement pursuant to the Nevada-Florida Land Exchange Act of 1988, and the Lincoln County Habitat Conservation Plan under the direction of the USFWS to protect and minimize any threat to federally listed endangered or threatened species.

Appurtenant utility lines would be placed in trenches dug to a depth of 4 feet or greater. Roadway over crossings would include buried structures to prevent undercutting of abutments. All utility line trenches and buried bridge structures within preserved and restored WOUS would be covered by at least two feet of natural substrate material from the desert dry wash habitat (WOUS) crossed.

In 1988, Aerojet and the United States Department of Interior completed a land exchange agreement, whereby Aerojet obtained title to roughly 29,100 acres as well as a 99-year lease with an option for a 99-year renewal for an additional 13,700 acres in Lincoln and Clark counties. In exchange, Aerojet relinquished title to roughly 5,000 acres in the Florida Everglades. The U.S. Congress enacted the land exchange as Public Law 100-275 entitled "The Nevada-Florida Land Exchange Authorization Act of 1988." When signing the act, President Reagan noted that the land exchange would enable the protection of "some 4,650 acres of Florida wetlands" and that the Florida land would be sold to the South Florida Water Management District, with the proceeds from the sale used for the "purchase of important wildlife habitat at two national wildlife refuges in Florida to aid the effort to preserve the Key deer and manatee." In 1996, the Secretary of the Interior approved the assignment of the lease from Aerojet to Harrich Investments, LLC. In 1998, the Secretary approved the assignment of the lease and all of its rights from Harrich to this applicant in accordance with the 1988 act.

#### **ADDITIONAL INFORMATION:**

**Environmental Setting.** The area is located in the Coyote Springs Valley, bordered by the Sheep Range on the west side and the Meadow Valley Mountains on the east side. It is generally surrounded by public lands. Elevations range from approximately 2,160 to 2,920 feet mean sea level. The Southern most portion of the project area is approximately 14 miles upstream from the Muddy River, a tributary to Lake Mead. Vegetation within the project area is typical of the Mojave Desert environment near Las Vegas with a dominant plant community of creosote bush and bur sage. Species include creosote bush (*Larrea tridentata*), white bursage (*Ambrosia dumosa*), Mojave yucca (*Yucca schidigera*), barrel cactus (*Ferocactus* sp.), cholla (*Opuntia* sp.), beavertail prickly pear (*Opuntia basilaris*), Mormon tea (*Ephedra* sp.), indigo bush (*Psoralea fremontii*), four-winged saltbrush (*Atriplex canescens*), and brittlebush (*Encelia farinosa*)."

Generally, vegetation is sparsely distributed and consists of low shrubs, cacti and perennial grasses. Occasional short stature trees are found in the washes. Creosotebush (*Larrea tridentata*) and white bursage (*Ambrosia dumosa*) are dominant in most areas. Mojave yucca (*Yucca schidigera*), barrel cactus (*Ferocactus* sp.), chollas (*Opuntia* spp.) and beavertail pricklypear (*Opuntia basilaris*) also are prevalent, although less frequently found within the Pahrangat Wash alluvial plain. Blackbrush (*Coleogyne ramosissima*) dominated stands occur along the northern extent of the Development Area. Common shrub species identified throughout the area include Mormon tea (*Ephedra* sp.), indigo bush (*Psoralea fremontii*), four-winged saltbush (*Atriplex canescens*), hopsage (*Grayia spinosa*), spiny mendoza (*Mendoza spinicens*), brittlebush (*Encelia farinosa*) and purple sage (*Salvia dorii*). Associated grass species include big galleta, (*Pleuraphis rigida*), Indian ricegrass (*Acnatherum hymenoides*), and several non-native annual species (*Bromus* spp., *Schismus* spp.).

Wildlife species occurring within the project area include those typically found in and adapted to the arid Mojave Desert Ecosystem. Mammal species present within the project area include coyote (*Canis latrans*), kit fox (*Vulpes macrotis*), black-tailed jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus audubonii*), rock squirrel (*Spermophilus variegatus*), antelope ground squirrel (*Ammodramus leucurus*), desert wood rat (*Neotoma lepida*) and Merriam's kangaroo rat

(*Dipodomys merriamii*). Big game species, such as desert bighorn sheep (*Ovis canadensis*) and mule deer (*Odocoileus hemionus*), may be found within CSI lands.

Bird species' diversity within Mojave desert scrub habitats within the project area is not particularly high. Typical species present in the project area would include red-tailed hawk (*Buteo jamaicensis*), common raven (*Corvus corax*), greater roadrunner (*Geococcyx californianus*), mourning dove (*Zenaidura macroura*), Gambel's quail (*Callipepla gambelii*), cactus wren (*Campylorhynchus brunneicapillum*), Say's phoebe (*Sayornis sayi*), western kingbird (*Tyrannus verticalis*), house finch (*Carpodacus mexicanus*), and the nonnative house sparrow (*Passer domesticus*).

The herpetofauna within the project area is particularly diverse. Coyote Spring Valley includes snake and lizard species typical of Mojave desert scrub, as well as several species associated with the Sonoran Desert. The substrate and presence of cover sites often influence the site-specific occurrence of many reptile species. Reptile species present include desert tortoise (*Gopherus agassizii*), banded Gila monster (*Heloderma suspectum cinetum*), chuckwalla (*Sauromalus obesus*), collared lizard (*Crotaphytus bicinctores*), western banded gecko (*Coleonyx variegatus*), zebra-tailed lizard (*Callisaurus draconoides*), western whiptail (*Cnemidophorus tigris*), desert iguana (*Dipsosaurus dorsalis*), large spotted leopard lizard (*Gambelia wislizenii wislizenii*), northern desert horned lizard (*Phrynosoma platyrhinos platyrhinos*), and side-blotched lizard (*Uta stansburiana*). Ten species of snakes have been found, including western patch-nosed snake (*Salvadora hexalepis*), coachwhip snake (*Masticophis flagellum*), Great Basin rattlesnake (*Crotalus oreganus lotosus*), glossy snake (*Arizona elegans*), California (common) kingsnake (*Lampropeltis getulus californiae*), spotted leaf-nose snake (*Phyllorhynchus decurtatus*), western long-nose snake (*Rhinocheilus lecontei lecontei*), (Sonoran) lyre snake (*Trimorphodon biscutatus lambda*), and sidewinder (*Crotalus cerastes*). Amphibians present in the area include the red-spotted toad (*Bufo punctatus*).

There are no perennial surface waters or wetlands within the project area. The eastern portion of the area contains the Pahrnat Wash. Although the wash is typically dry, it is the main tributary to the Muddy River before it enters the Colorado River at Lake Mead. The depth to groundwater below Pahrnat Wash is typically greater than 400 feet in the project vicinity.

**Alternatives.** The applicant has provided information concerning project alternatives, including two on-site design alternatives (Figures 3-6) and twelve alternative locations (Figure 10). Additional information concerning project alternatives may be available from the applicant or the applicant's agent. Although other alternatives may develop during the review process for this permit application, the following alternatives have been explored:

#### Lincoln County

- The LCCRDA of 2004 (Public Law 108-424) provided for the sale of 13,500 acres by open public auction. This property is located in southeastern Lincoln County adjoining the county line with Clark County immediately north of the City of Mesquite (Figure 10). A sale was conducted on February 9, 2005, in which 13,075 acres consisting of eight parcels were sold. The parcels ranged from 666 to 4,357 acres and were bought by five separate purchasers. Development plans for these parcels are underway by the owners; therefore these parcels are not available.
- A proposed Resource Management Plan (RMP) and Final Environmental Impact Statement (EIS) for the Ely District of the U.S. Bureau of Land Management has been released to the public which designate additional lands for disposal to private ownership. It is expected that lands which

will be made available for sale will be those that will promote community development in and around the small towns in the County and would be too small and scattered to meet the Project's requirements.

The only disposal activity presently underway in Lincoln County involves land for a proposed technical park adjacent to the town of Alamo. Although the project purpose is to develop a new town in Lincoln County, CSI examined neighboring counties for potential alternative sites, as discussed below.

#### Nye County

The current U.S. Bureau of Land Management Resource Management Plan for the Pahrump Disposal Area in southern Nye County identifies a total of 9,384.62 acres as available for disposal. The parcels are scattered around the perimeter of the private lands within the Pahrump Valley (Figure 10). No sales have been conducted and, therefore, property to become available in the future is unknown.

#### Clark County

The following parcels were identified from the Clark County Assessor records based on single parcels of large acreage. Figure 10 provides a map showing where these parcels are located. These, being the largest single parcel properties, were researched and evaluated. Were any of the parcels were large enough to meet the overall project purpose, it is expected that development of any one of the 9 parcels evaluated would result in direct impacts to WOUS similar to that of the proposed project.

- **Parcel 1 (Assessor's Parcel Number (APN) 08500002001 – 10,975 acres):** Parcel 1 is immediately north of North Las Vegas near the master planned communities currently under construction and/or proposed near the 215 Beltway (Figure 10). The parcel is approximately half the size of the Development Area. However, it is vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available.
- **Parcel 2 (APN 08600002001 – 11,110 acres):** As with Parcel 1, this parcel is located immediately north of North Las Vegas near the master planned communities currently under construction and/or proposed near the 215 Beltway (Figure 10). However, it is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available.
- **Parcel 3 (APN 14100001001 – 10,505 acres):** This parcel is north of Lake Mead Boulevard and south of Nellis Air Force Base (Figure 10). The terrain is steeper than in the Development Area in Coyote Spring Valley, thereby limiting the amount of developable land. The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available.
- **Parcel 4 (APN 14100002001 – 11,457 acres):** This parcel is immediately south of Parcel 3. As such, its suitability for housing is similarly limited because of its steep terrain and proximity to Nellis Air Force Base (Figure 10). The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available.

- **Parcel 5 (APN 02000001002 – 7,363 acres):** This parcel is north of U.S. Highway 95 and the Las Vegas Paiute Indian Community (Figure 10). This parcel is significantly smaller in size than the area proposed for development at Coyote Springs, and access is limited, as there is no highway or major road leading to the property. The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available.
- **Parcel 6 (APN 02000002002 – 7,340 acres):** This parcel is south of, and is similar in size to, Parcel 5. As such, it has the same size and access limitations (Figure 10). The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available. In addition, Parcel 5 is within the Desert National Wildlife Range.
- **Parcel 7 (APN 08700002004 – 8,413 acres):** This parcel is east of U.S. Highway 95 and north of Floyd Lamb State Park. It has the same size and access limitations as Parcels 5 and 6 (Figure 10). The parcel is also vested in the USA and is outside the BLM Disposal Boundary established in the SNPLMA and would require an act of Congress to become available. Parcel 7 is within the Desert National Wildlife Range.
- **Parcel 8 (USA Patent 27-2003-0052 – 7,690 acres):** This parcel was conveyed to the City of Mesquite on May 7, 2003, pursuant to the Mesquite Lands Act of 1988, Public Law 99-548, as amended by Section 121 of Public Law 104-208, dated September 30, 1996, and as amended by Public Law 106-113, dated November 29, 1999, and Section 209 of the Federal Land Management Act of 1976, (43 U.S.C. 1719), as amended. This property consisted of numerous Assessor Parcel Numbers and is located within the city limits of Mesquite (Figure 10). The City immediately sold the majority of the property to residential and commercial real estate developers, retaining a portion for a City-sponsored business park and, therefore, the land is not now available for acquisition. In addition, this parcel is significantly smaller in size than the Development Area in Coyote Spring Valley, and access is limited, as there is no highway or major road leading to the property.
- **Parcel 9 (USA Patent 27-2004-0104 – 5,752 acres):** This parcel was conveyed to Clark County, Nevada pursuant to the Ivanpah Valley Airport Lands Transfer Act of January 24, 2000, 114 Stat. 1404 for use as an airport facility. Clark County is presently conducting relative studies for such use. In the event that the land is not used for the intended purpose, the property will revert to the USA and, therefore, is not available for acquisition. In addition, this parcel is significantly smaller in size than the proposed location (Figure 10).

**Mitigation.** The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant has proposed the following mitigation measures:

- *Preferred Alternative:* As part of the reduction of the project foot print achieved through the design of the preferred alternative, transportation and utility infrastructure design was rerouted so as not to bisect the 13,767 acres of potentially developable CSI Lease Lands within in Lincoln County (7,548 acres) and Clark County (6,219 acres).

- Minimization of Impacts to Certain WOUS: Any activity occurring adjacent to the Pahrnatag Wash ephemeral channel and all jurisdictional waters (e.g. WOUS) to the west and east of the Pahrnatag Wash ephemeral channel would be done in compliance with the Corps permit conditions. All road, trail and golf cart crossings would be over crossings with natural substrate bottoms overlying any necessary support and protective structures so as to avoid permanent impacts to WOUS.
- Restoration of Dry Wash Habitat: The applicant proposes to compensate for the fill of jurisdictional dry washes at a minimum 2:1 compensation through the restoration of desert dry wash habitat. The constructed washes would be designed to meet both Lincoln County flood control requirements and federal mitigation requirements. A minimum of 66.6 acres of restored washes would be designed and constructed to compensate for fill impacts within the existing WOUS channels in the Development Area (28.2 acres) and BLM Utility Corridor (5.1 acres). Where possible, constructed washes would be located near or adjacent to existing dry washes. These restored washes would be comprised of native soils and rock from the adjacent areas and provide for the same functions and values as the impacted washes. All roadways and pathways would span the constructed washes where they intersect within the Development Area.
- Conservation Easement: Subject to BLM's approval and consistent with the CSI MSHCP, approximately 7,548 acres of land leased by CSI from the BLM in Lincoln County would be designated and managed as a resource conservation area. These lands would be adjacent and contiguous with 6,219 acres of CSI lease land in Clark County which would also be placed into a perpetual conservation easement as part of the CSRMA.
- Sensitive Habitat Protection During Construction: Sensitive habitats (e.g., WOUS/dry washes) within 50 feet of construction activities within the Development Area would be marked with orange or yellow temporary construction fencing or rope and "Do Not Enter" signage until such time as they are authorized for filling.
- Protective Setback Zone: In addition to avoiding impacts to the Pahrnatag Wash ephemeral channel and all waters of the United States to the east, CSI would implement a 100' setback from the top of bank along the west and east of the Pahrnatag Wash ephemeral channel within the Project Area. This zone would remain relatively undisturbed, except for the roadways that over cross the Pahrnatag Wash, to allow a reasonable distance between the Pahrnatag Wash ephemeral channel and any adjacent construction activities.
- Storm Water Management and Retention Zone: A Storm Water Pollution Prevention Plan in accordance with Section 402 of the federal Clean Water Act and any State/local requirements would be implemented during construction. Upon completion of construction, storm water would be managed through a variety of flood control facilities, including detention/retention basins, constructed washes, wetlands ponds and other facilities that collect storm water and allow sediment to separate from storm water prior to entering any constructed jurisdictional water (e.g. WOUS). A portion of this naturalized storm water management system would occur within a Storm Retention Zone, which generally runs within the current flood zone within the Development Area. This Storm Retention Zone would ensure that any sedimentation from within developed areas is separated by implementing the facilities outlined above and protected from Pahrnatag Wash ephemeral channel.

- *Worker Training and Monitoring:* Worker Environmental Awareness Training for all managers and employees (whether they are employed by CSI or a third party) would be required before a manager or employee is allowed to work on-site. During the training, the managers and employees are informed that they may be removed from the site and/or be prohibited from returning to the site if they fail to comply with all applicable environmental laws, regulations, permits, plans and programs governing activity in the Project. In addition, CSI would hire staff or contract with a third party to monitor construction activities to protect the Pahrnagat Wash ephemeral channel and washes west and east of the Channel.
- *Resident Education, Enforcement and Monitoring:* Environmental Awareness Education for all residents would be provided under the Master Declarations by Charter Owners Association. In addition, CSI would hire staff or contract with a third party to monitor construction activities and residents' activities to protect the Pahrnagat Wash ephemeral channel and washes east of the Channel, which also provides a program for on-going surveillance of constructed washes. The Charter Owners Association would adopt enforceable association rules that would provide, among other things, enforcement provisions concerning construction and resident activities.
- *Golf Course Operations:* An Integrated Pest Management-Chemical Application Management Plan (IPM-CHAMP) would be developed and employed at each golf course to minimize the impacts from pesticides, fertilizers and other turf management practices.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Nevada Department of Environmental Protection is required for this project. The applicant has indicated they have applied for certification.

**HISTORIC PROPERTIES:** In accordance with the requirements of the Nevada-Florida Land Exchange Authorization Act of 1988, the applicant is implementing a Cultural Resource Management Plan (CRMP) on the private lands consistent with its Memorandum of Understanding (MOU) with the Nevada State Historic Preservation Office (SHPO). The applicant has consulted with the Sacramento District and with the NV SHPO regarding the scope of cultural resources surveys which were conducted by the application's consultant, Knight & Leavitt Associates, Inc., during 2007. At the Corps' request, the 5 tribes potential affected have been consulted with and have requested to comment regarding potential impacts. In addition, at the Corps' request an onsite meeting with representatives from the 5 tribes, Knight & Leavitt Associates, Inc. and the applicant was held on December 13, 2007 to view cultural sites.

**ENDANGERED SPECIES:** The project would affect the Federally-listed desert tortoise and its critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act, as appropriate. CSI has also proposed the following additional conservation measures for desert tortoise.

- CSI would impose a mitigation fee of Eight Hundred Dollars (\$800) per acre, pro-rated to the one-quarter (1/4) acre, on all development activities occurring on private land within the Development Area (as defined in the HCP).



- \$750,000 provided to fund conservation measures for the desert tortoise upon issuance of the CSI MSHCP (a Technical Advisory Team would assist the USFWS in directing the expenditure of these funds under the Adaptive Management Plan).
- All lands surveyed and cleared of desert tortoise prior to ground disturbing activities.
- Research studies would be conducted as directed by a Technical Advisory Team, and may include surveys to evaluate the status of the tortoise within the Mormon Mesa Critical Habitat Unit; assessment of weed control and habitat restoration measures; and establishing a juvenile tortoise “head-start program.”

There are no species dependent on aquatic resources within the Project Area or the Development Area. While the project may have indirect impacts on the Moapa dace (*Moapa coriacea*), CSI proposes to avoid, minimize and/or mitigate any such impacts should they occur. Groundwater production consistent with the Muddy MOA and/or the Development MOA would ensure that no unacceptable reduction in Muddy River spring flows would result from developing the project. Surface flows from up-gradient, off-site storm events would flow naturally through the Pahrnatagat Wash ephemeral channel with no permanent impact from development as all road and trail crossings would be over crossings with natural bottoms overlying any necessary buried support and protective structures. Surface flows generated as a result of events running within or through the Development Area would be retained and polished within wetlands and ponds constructed on-site. Sediments and associated nutrients would be sufficiently removed through the installation and maintenance of naturalized corridors and wetlands ponds allowing for deposition of sediment and uptake of excess nutrients. Sediment control would take place separate from the Pahrnatagat Wash ephemeral channel by implementing storm water controls in the development area and a 100 foot protective buffer to eliminate storm water from directly entering the Pahrnatagat Wash ephemeral channel (Figures 3 and 4).

Other federally listed and candidate species identified by the USFWS with the potential to occur within proximity to the Project Development Area would not be affected. A detailed assessment of impacts to species of federal concern would be provided in a Biological Assessment (submitted under separate cover).

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2007-327-SG must be submitted to the office listed below on or before January 11, 2008

Steve Roberts, Project Manager  
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St. George, Utah 84790  
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The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager 435-986-3979, [steven.w.roberts@usace.army.mil](mailto:steven.w.roberts@usace.army.mil).

Attachments: 10 drawings